IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 17716 of 2004(H)

PETITIONER:

R.BABY,
MUNICIPAL COUNCILLOR, ALAPPUZHA MUNICIPALITY,
RESIDING AT HOUSE NO.27/514, MULLACKAL,ALAPPUZHA.

BY ADV. SRI.K.HARILAL

RESPONDENTS:
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1. P.L. ANTONY,
CONVENOR, PUTHUVEEDU LIYAN, CHUNDOM WARD,ALAPPUZHA

2. C.G.PRABHAKARAN,
CHAIRMAN, PRABHTHAM, CHIRAYIL CHUNKAL,
CHANDHANAKAVINU KIZHAKKE, ALAPPUZHA.

3. THE SECRETARY,
ALAPPUZHA MUNICIPALITY, ALAPPUZHA.

4. THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 17716/04

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE NOTICE DT. 22.2.2001 ISSUED BY THE PETITIONER TO THE MUNICIPAL SECRETARY

EXT.P2: -DO- OF THE COMPLAINT DT. 27.3.2001 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT

EXT.P3: -DO- OF THE ACCOUNT COPY DT. 3.5.2001 ISSUED BY THE CANARA BANK

EXT.P4: -DO- OF THE ORDER DT. 17.4.2004 ISSUED BY THE 4TH RESPONDENT

EXT.P5: -DO- OF THE NOTICE DT. 10.6.2004 ISSUED BY MUNICIPALITY TO THE PETITIONER

jj /TRUE COPY/

P.A. TO JUDGE

KURIAN JOSEPH, J.

W.P.(C) NO. 17716 OF 2004

Dated this the 23rd day of November, 2007.

J U D G M E N T

Petitioner approached this Court aggrieved by Exhibit P4 order passed by the 4th respondent imposing cost of Rs. 1,000/- on the ground that the complaint filed by the petitioner before the 4th respondent was frivolous. The petitioner is an elected member of the municipality.

2. On going through Exhibit P2 complaint, it cannot be said that the complaint as such is totally frivolous. May be, the 4th respondent is justified in dismissing the same on merits. But it is not a case where cost should have been imposed under Section 271 F of the Kerala Panchayat Raj Act. Therefore, the order regarding imposition of cost as per Exhibit P4 is vacated.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp